

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
JONATHAN VANDERMUELEN,
Defendant.
Case No. CR00-0184-TSZ-JPD
SUMMARY REPORT OF U.S.
MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

An initial probation revocation hearing on supervised release violations in this case was scheduled before the undersigned Magistrate Judge on February 8, 2006. The United States was represented by Assistant United States Attorney Susan M. Roe, and the defendant by Mr. Terrence Kellogg. The proceedings were recorded on cassette tape.

The defendant had been sentenced on or about October 27, 2000, by the Honorable Thomas S. Zilly on a charge of conspiracy to import and distribute 100 or more kilograms of marijuana in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), 846, 952(a), 960(b)(2)G, and 963. The defendant was sentenced to thirty-seven (37) months in custody, followed by five (5) years of supervised release.

The conditions of supervised release included the requirement that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed were substance-abuse treatment, search consent, no new credit obtained without the United States Probation Officer's approval, provide financial disclosure, a fine in the amount of \$7,500, and 120 days of electronic home monitoring.

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In a Petition for Warrant or Summons for Offender Under Supervision dated January 17, 2006, U.S. Probation Officer Steven R. Gregoryk asserted the following violations by defendant of the conditions of his supervised release:

(1) Failing to submit a urinalysis sample that could be tested on September 28, 2005, October 7, 2005, and January 10, 1006, in violation of the special condition of supervision stating that the defendant shall participate in a program for the treatment of narcotic addiction, which may include drug testing in order to determine if he has reverted to the use of drugs.

(2) Using cocaine on or about January 10, 2006, in violation of standard condition
No. 7.

With the consent of defendant, on February 2, 2006, the Honorable Thomas S. Zilly modified the October 27, 2006, conditions and terms of supervised released to include that defendant complete forty (40) hours of community service by April 30, 2006, at the direction of his probation officer.

The defendant admitted to violations No. 1 and 2, and waived any rights to an evidentiary hearing as to whether they occurred.

I therefore recommend that the Court find the defendant to have violated the terms and conditions of his supervised release as to violations No. 1 and 2, and that the Court conduct a hearing limited to disposition. The hearing has been set before the Honorable Thomas S. Zilly for June 8, 2006, at 3:00 p.m. Pending a final determination by the Court, the defendant has been released, subject to continued supervision.

DATED this 8th day of February, 2006.

James P. Donohue
JAMES P. DONOHUE
United States Magistrate Judge

cc: District Judge: Honorable Thomas S. Zilly
AUSA: Ms. Susan Roe
Defendant's attorney: Mr. Terrence Kellogg
Probation officer: Mr. Steven R. Gregoryk

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